

Appl. No. 10/626,136
Amdt. dated April 27, 2005
Reply to Office action of March 23, 2005

REMARKS/ARGUMENTS

Claims 1-18 are presently pending in the application.

In this amendment, Claims 1, 4 and 15 have been amended.

Claim 5 has been canceled without prejudice to filing a continuation with respect thereto.

Claims 8-14 and 17 remain withdrawn from consideration and have not been amended.

Claims 2-3, 6-7, 16 and 18-22 remain unchanged.

This amendment is set forth to comply with the Examiner's requirements and to place the application in condition for allowance or in better form for consideration on appeal. The amendment is thus believed to comply with the requirements of 37 C.F.R. §116. Entry of the amendment and reconsideration of the claims is respectfully requested.

Applicant's undersigned attorney appreciates the time the Examiners Muller and Hail took to discuss the application with Applicant's undersigned attorney on April 27, 2005. During the interview, Claims 1 and 15 and the Nagy reference (Pat. No. 6,311,580) were discussed. As a result of the interview, it was determined that if Claims 1 and 15 were amended to provide that the flat surface of the tab engaging lip formed an acute angle with the heel and that there was a sharp or abrupt transition between the lip surface and the notch, that Claims 1 and 15 would

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distinguish over Nagy. Claims 1 and 15 have been amended to define the intersection between the flat surface of the tab engaging lip and the heel (at one end of the flat surface) and the notch (at the other end of the flat surface) as discussed during the interview with Examiners Muller and Hail. Hence, Applicant respectfully asserts that Claims 1 and 15 as now presented distinguish over Nagy and are allowable. Inasmuch as Claims 2-4, 6-14 and 22 depend from Claim 1 and Claims 16-21 depend from Claim 15, these claims are also believed to be allowable.

In other matters, the Examiner noted that the phrase "flat surface" in Claim 3 lacked antecedent basis. Claim 1 has been amended to provide that surface of the tab engaging lip is flat. With this amendment to Claim 1, "flat surface" in Claim 3 now has proper antecedent basis. During the interview, the Examiner noted that the phrase "said starting and finishing notches being sized and shaped to receive a ring of an opening tab of a can to be opened and having a forward surface against which said tab ring can engage" was generally functional in nature. Hence, this phrase was canceled from Claim 1. In addition, Claim 1 has been amended to place it in paragraph format to make the claim easier to read. Other than the changes noted above with respect to Claim 1, the subject matter of Claim 1 was not otherwise altered in changing Claim 1 into the paragraph format in which it is now presented.

In reviewing the claims, the subject matter of Claim 5 was found to be redundant. Hence, Claim 5 has been canceled without prejudice to filing a

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continuation with respect thereto.

Prior to examination of this application, the Examiner entered a species/sub-species restriction requirement. In response to the restriction requirement, Applicant elected Group I. As a result, Claims 8, 10-14 and 17 were withdrawn. Applicant respectfully submits that at least Claim 1 is generic to the five species noted by the Examiner. Hence, Applicant requests that the Examiner withdraw the restriction requirement and rejoin the withdrawn claims.

In view of the forgoing, Claims 1-4 and 6-22 are believed to be in condition for allowance. A Notice of Allowability with respect to these claims is thus respectfully requested.

Dated: 4/27/05

Respectfully Submitted,


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